

Mr. Michael Tate  
Director  
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Title

Dear Mr. Tate:

I am writing to follow-up on our meeting of August 9, 2013, where we discussed strategies to address enforcement of the Safe Drinking Water Act in Kansas. As you will recall, a primary purpose of our meeting was to review possible approaches for utilizing formal enforcement tools to address priority, non-compliant public water systems.

To facilitate the meeting, the EPA developed the enclosed list of priority PWSs in Kansas. The EPA's goal from the meeting was to establish a clear direction to ensure that each priority PWS on the list would be returned to compliance in a timely manner.

Based on our discussions, EPA was of the understanding that the KDHE is intending to develop an alternative formal enforcement vehicle called a "Consent Agreement" (CA) which they would utilize to develop an enforceable path forward for some of the priority PWSs. The Consent Agreement would satisfy all of the requirements for "formal enforcement" as defined in EPA policy.

With that understanding, and after additional conversations among our staff, we have developed a revision to our August 9 list to outline schedules for addressing the current priority PWSs in Kansas. Our updated list is included as Table 1.

We ask that you review the schedules in Table 1 and advise EPA of any concerns or questions with implementing those schedules.

I would like to reaffirm the EPA's commitment to addressing non-compliant PWSs in Kansas, and to offer our assistance in whatever form most effective towards that end. Understanding that the process of identifying and addressing priority non-compliers is on-going and dynamic, my staff will be in regular communication with yours to ensure we are focusing our respective resources on the most pressing issues.

As we discussed, the EPA is willing to issue formal Notices of Violation to non-compliant systems and believes such NOV's may assist KDHE by encouraging systems to conclude negotiations on any Consent Orders, where appropriate, in a timely manner. In certain instances to facilitate more timely resolution, the EPA may issue NOV's to PWSs in violation. As required by the Safe Drinking Water Act, Section 1414, the issuance of such NOV's would ultimately position EPA to issue formal enforcement orders where warranted. The EPA would consult in advance with KDHE in any instances where EPA believes federal enforcement may be appropriate.

As noted in our August meeting, the EPA will be initiating discussions with the town of Pretty Prairie to establish an approach for addressing their long-standing non-compliance with the Maximum Contaminant Level for nitrates.

Please contact me at (913) 551-xxxx, or Scott Marquess of my staff at (913) 551-7131, if you would like to further discuss this matter.

Sincerely,

Diane or Karen???